

Remarks

Favorable reconsideration of this application and the Office Action of August 27, 2008 are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 8-13, 16, 17, 23, 24 and 26 to 28 remain under consideration in this application as amended. By this amendment claims 2 to 4, 6, 7, 14, 19-22 and 29 have been canceled. Claim 1 has been amended to incorporate limitations of claims 2, 3, 4, 7 and 14 into said claim and claim 16 has been amended to incorporate limitations from claims 19-22 and 29.

This amendment requires no fee since there are now fourteen total claims and two independent claims in the application.

The rejections of claims 1-4, 6-13, 16, 17, 19-25 and 26-19 under 35 U.S.C. 103 as unpatentable over Madaio (US 3853157) in view of Baldwin (US 4863429) and claims 14 and 29 over these references further in view of Cullen (US 3371825) are respectfully traversed. It is submitted that the claimed invention is not obvious to one skilled in the relevant art from the disclosure in these references.

The apparatus of the primary reference Madaio does not have a dessicant material in pressurizing gas surrounding the bag for preventing any moisture in the container from entering the bag and contaminating the material to be dispensed.

The apparatus of Madaio also does not have an on/of locking member on its syringe.

Further, the apparatus of Madaio does not have a gasket surrounding its dispensing stem and covering the circumferential hole(s) around the dispensing stem when the apparatus is in a non-dispensing mode and with said gasket not covering such the circumferential hole(s) around the dispensing stem when valve stem is moved reciprocatably the apparatus is in dispensing mode.

It is that that these claimed features of Applicant's claims are not rendered obvious to one skilled in the art from the disclosures in either Baldwin or Cullen. The USPTO relies upon Madaio itself to show Applicant's claimed gasket feature by pointing to o-ring seal 23 of Madaio. However, this o-ring seal 23 of Madaio is just your typical o-ring seal to prevent leakage of fluid between valve head 29 and valve stem 11-see col. 7, lines 41-46. That o-ring seal 23 is not a gasket material that surrounds circumferential hole(s) in a valve stem in a non-dispensing mode and uncovers such hole(s) in a dispensing mode as does the gasket in Applicant's claimed apparatus. Neither is such a feature disclosed or taught by Baldwin or Cullen.

The PTO relies upon Cullen to show the use of a dessicant. The getter 55 of Cullen is an item for a completely different purpose than the dessicant material of Applicant's apparatus and located in a different location in the apparatus than in Applicant's apparatus. The getter 55 of Cullen is located on (around) dip tube 8 for removing from the fluid product and propellant fluids which result in breakdown of the propellant or decomposition of the product. The dessicant material of Applicant's invention is in the propellant and it is for preventing moisture residue in the container from entering Applicant's bag to maintain the high purity of the fluid Applicant is dispensing. Thus Cullen would neither teach nor suggest modifying Madaio in such a manner as to suggest the presence of the dessicant material of Applicant nor its placement in a propellant between the container and the bag of material to be dispensed or for preventing moisture residue in the container from entering Applicant's bag to maintain the high purity of the fluid Applicant is dispensing.

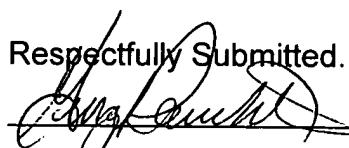
The off/on lock of Baldwin is on a syringe for controlling the syringe driver/syringe/tube device of Cullen employed to cut off dispensing of the material from Cullen's syringe. The on/off locking mechanism in Applicant's claimed apparatus is for the purpose of cutting off entrance of fluid into the syringe and retaining the fluid in the syringe, not for cutting off dispensing material from a syringe. Thus Cullen would not suggest modifying Madaio in a manner that would produce Applicant's claimed apparatus.

Applicant's process claims are also patentable for the same reasons since the combination of cited reference disclosure would not produce or suggest a process for dispensing fluid wherein one or more covered openings located circumferentially around the dispensing valve stem are covered by a gasket until the dispensing valve stem is moved reciprocatably inward into the pressurized container for uncovering the one or more openings, the valve stem being reciprocatably movable inward into the pressurized container for uncovering the one or more openings in the valve stem for permitting the flow of material from the pressurized container through the one or more openings, into the valve stem, and into the chamber of the syringe.

Therefore, for at least these reasons the USPTO is respectfully requested to reconsider and withdraw both of these Section 103 rejections of the claims.

It is respectfully submitted that the foregoing is a full and complete response to the Office Action and that all the claims are allowable for at least the reasons indicated. An early indication of their allowability by issuance of a Notice of Allowance is earnestly solicited.

Respectfully Submitted,


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DATE